

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, March 1, 1871. }

Senate met pursuant to adjournment; Hon. Don Campbell, President, in the chair.

Roll called; quorum present.

Absent—(excused) Senator Baker.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal was dispensed with.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, March 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 77, "An act for the relief of A. H. Cook;" Senate bill No. 10, "An act for the relief of James E. Cariton, Sheriff of Jasper county;" and substitute for Senate bill No. 23, "to prohibit the sale of spirituous or intoxicating liquors within two miles of Johnson's Point Male and Female Seminary," find the same to be correctly engrossed.

G. T. RUBY, Chairman.
E. L. DOHONEY,
P. W. HALL.

Report read and received.

Report of Committee on Internal Improvements:

COMMITTEE ROOM,
AUSTIN, February 28, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 172, entitled "An act to incorporate the Texas Dry Dock Company," respectfully report having considered the same—recommend that it do pass.

WEBSTER FLANAGAN,
Chairman.

Report read and laid over under the rules.

Reports of Committee on Judiciary:

COMMITTEE ROOM,
AUSTIN, February 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 83, supplementary to "An act to organize the courts of justices of the peace and define their jurisdiction and duties, approved August 13, 1870," ask leave to report the same back and recommend that it do not pass.

A. J. FOUNTAIN,
Chairman.

Report read, and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, February 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 102, to be entitled "An act to further amend the eleventh section of 'an act to provide for the registration of deeds and other instruments of writing,' approved May 12, 1846," instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Report read, and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, February 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 92, "Authorizing the Commissioner of the General Land Office to purchase one hundred copies of a book of valid land certificates for the use of the surveyors, to prevent the location of fraudulent land certificates," instruct me to report the same back and recommend its reference to the Committee on Public Lands.

Respectfully,

A. J. FOUNTAIN,
Chairman.

On motion of Senator Ruby, the rules were suspended, report of the committee adopted, and Senate bill No. 92 referred to Committee on Public Lands.

COMMITTEE ROOM,
AUSTIN, February 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was recommitted Senate bill No. 24, to amend the fourth section of "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," instruct me to report the same back and recommend the passage of the accompanying bill as a substitute therefor.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Substitute Senate bill No. 24, a bill to be entitled "An act amendatory of an act entitled 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870."

Report and bill read first time and laid over under the rules.

Reports of Committee on Education :

COMMITTEE ROOM,
AUSTIN, February 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : The majority of your Committee on Education, to whom was referred Senate bill No. 155, to be entitled "An act to amend the first section of an act to prohibit the sale of intoxicating liquors within two miles of Shiloh Male and Female Academy," approved August 3, 1870, respectfully report that they have had the same under consideration and recommend that it do not pass.

Respectfully,

E. PETTIT,
Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, February 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Education, to whom was referred a petition from citizens of Oso, Fayette county, asking the prohibition of the sale of intoxicating and spirituous liquors within one and a half miles of said town of Oso, respectfully report that they have had the same under consideration and recommend the passage of the accompanying bill.

Respectfully,

E. PETTIT, Chairman.

Bill reported by committee : A bill (Senate bill No. 200) to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors within one and a half miles of Oso, Fayette county."

Report and bill read first time and laid over under the rules.

Senator Gaines moved that an additional Senator be added to the Committee on Privileges and Elections, which motion was adopted.

GENERAL FILE.

Senate bill No. 15, "An act for the relief of Harriet Williams, and the issue of said Harriet and Louis Brisset, deceased," read second time.

Message from the House by Chief Clerk, informing the Senate the House had passed Senate bill No. 91, "prescribing the times of holding the courts in the Seventh Judicial District."

Also, Senate bill No. 161, an act to be entitled "An act to amend an act prescribing the times of holding the District Courts in the several Judicial Districts in the State, approved August 10, 1870," with the following amendments: Insert the following after the word "week," in line twelve, section two, viz: "In the county of Brown on the first Mondays in January, May and September, and may continue in session one week." Strike out the word "first," in line thirteen, section two, and insert "second" in lieu thereof. Strike out lines eleven and twelve, in section three. Strike out the word "second," in line thirteen, section three, and insert the word "first" in lieu thereof. Strike out the word "third," in line fifteen, section three, and insert in lieu thereof the word "second."

Also, Senate bill No. 162, "An act to amend an act for districting the State of Texas into Judicial Districts, approved July 2, 1870," with the following amendments: Insert the word "Brown" after the words "San Saba," in line six, section two; also strike out the word "Brown" in line six, section three.

Also, for concurrence, the following House bills:

House bill No. 47, "An act supplementary to an act to provide for districting the State of Texas into Judicial Districts, approved July 2, 1870."

Also, House bill No. 210, "An act to authorize Howard Keyes, C. D. McKnight and their associates to erect a toll bridge over Sabine river, in Wood county."

Also, House bill No. 362, "An act authorizing Julius N. Garrett to erect a toll bridge over the Flat Fork of Tennaha, in the county of Shelby."

On motion of Senator Fountain the rules were suspended and the

report of the committee was adopted, and Senate bill No. 15 was rejected.

11 A. M.

The hour having arrived for the consideration of the special order, Senate bill No. 94, "An act to give effect to the several provisions of the Constitution concerning taxes."

On motion of Senator Bowers, the special order was postponed for five minutes.

On motion of Senator Bowers, the rules were suspended to take from file Senate bill No. 161, "An act to be entitled an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870."

On motion of Senator Bowers, the House amendments were concurred in.

On motion of Senator Bowers, the rules were suspended to take from file Senate bill No. 162, "An act to amend an act to provide for districting the State of Texas into judicial districts," approved July 2, 1870.

On motion of Senator Bowers, the House amendments were concurred in.

By leave, Senator Hall introduced the following bill:

A bill (Senate bill No. 201) to be entitled "An act to authorize the county court of Robertson county to levy and collect a special tax for the term of two years, to build a court house and jail at the city of Calvert, the county seat of said county."

Read first time and referred to Committee on Counties and County Boundaries.

On motion, the Senate resolved itself into a Committee of the Whole to consider Senate bill No. 94.

IN SENATE.

Senator Flanagan, Chairman of the Committee of the Whole, having under consideration Senate bill No. 94, reported progress and asked leave to sit again to-morrow at half-past 10 o'clock.

Report received and leave granted.

Senator Douglass offered the following resolution, which was adopted:

Resolved, That the use of the Senate Chamber be tendered to Professor Fowler, to lecture on the subject of Phrenology on Wednesday, Thursday and Friday nights.

Senator Gaines moved to adjourn to 10 o'clock to-morrow, upon which motion the yeas and nays were called for, and was lost by the following vote:

Yeas—Hall, Latimer, Pettit, Ruby, Saylor—5.

Nays—Mr. President, Bell, Bowers, Cole, Dillard, Dohoney,

Douglass, Evans, Flanagan, Ford, Gaines, Hertzberg, Hillebrandt, Mills, Parsons, Pickett, Pridgen, Rawson, Shannon, Tendick—20.

On motion of Senator Dohoney, the Senate adjourned to 3 o'clock P. M.

SENATE CHAMBER—AFTERNOON SESSION, {
AUSTIN, TEXAS, Wednesday, March 1, 1871. }

Senate met pursuant to adjournment; Hon. Don Campbell, President, in the chair.

Roll called; quorum present.

Senator Pickett moved that the Secretary call the names of Senators as they appear upon the roll, and as each Senator's name is called, he will be entitled to call up one bill; the calling of the roll shall commence where it was left off the preceding evening, which motion was adopted.

Senator Ruby moved to reconsider the motion allowing the use of the Senate Chamber to Professor Fowler to lecture in on Wednesday, Thursday and Friday nights.

Motion to reconsider lost.

On motion of Senator Bell, the rules were suspended to take from file House bill No. 261, "An act to incorporate the city of Hempstead, county of Austin." Read first time.

On motion of Senator Cole, the rules were further suspended and House bill No. 261 read second time, and passed to a third reading.

On motion of Senator Bell, the rules were further suspended and House bill No. 261 read third time and passed.

On motion of Senator Bowers, the rules were suspended to take from file House bill No. 144, "An act to re-incorporate and grant a new charter to the town of Georgetown," and to repeal an act, approved September 26, A. D. 1866, entitled "An act to incorporate the town of Georgetown, in Williamson county, Texas." Read first time.

Rules further suspended and House bill No. 144 read second and third times and passed.

On motion of Senator Braughton the rules were suspended to take from file Senate bill No. 87, "An act entitled an act to incorporate the East Line and Red River Railroad Company." Read second time.

Senator Braughton offered the following amendment, which was adopted:

Amendment: In line eight, section one, strike out the name of

"H. P. Maybry," and in lieu thereof insert the names of "T. B. Goyne, E. W. Taylor, W. P. Williams, S. B. Allen, William A. Evans, Z. G. Mathews and Alexander Cameron."

Amendment adopted.

Senator Pickett moved to amend by striking out all of section two, after the word "therein," in line seventeen.

Amendment adopted.

Senator Ruby moved to amend by striking out in section five, lines fifteen and sixteen, the words "not to exceed forty acres."

Amendment adopted.

Senator Douglass moved to amend section six by striking out all after the word "taxes," in line five, and insert the following: "for a period of five years from the passage of this act."

Senator Pickett moved to amend by striking out all of section six.

Yeas and nays called for and lost by the following vote:

Yeas—Bell, Evans, Ford, Gaines, Hall, Hertzberg, Hillebrandt, Latimer, Pickett, Rawson, Ruby, Tendick—12.

Nays—Mr. President, Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Fountain, Mills, Parsons, Pettit, Pridgen, Pyle, Saylor, Shannon—16.

The question recurring on the amendment of Senator Douglass, the yeas and nays were called for, and the amendment adopted by the following vote:

Yeas—Mr. President, Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Fountain, Hall, Latimer, Mills, Parsons, Pridgen, Pyle, Saylor, Shannon—18.

Nays—Bell, Ford, Gaines, Hertzberg, Hillebrandt, Pettit, Pickett, Rawson, Ruby, Tendick—10.

Senator Pickett moved to amend section seven by striking out, in line seven, all after the word "business" down to and including the word "company," in line ten.

Amendment adopted.

Senator Pickett moved to amend by striking out all of section nine, after the word "act," in line seven.

Amendment adopted.

Senate bill No. 87 ordered engrossed, and passed to a third reading as amended.

On motion of Senator Flanagan, the rules were further suspended, and Senate bill No. 87 read a third time, and passed by the following vote:

Yeas—Mr. President, Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Fountain, Latimer, Mills, Par-

sons, Pettit, Pickett, Pridgen, Pyle, Ruby, Saylor, Shannon, Tendick—21.

Nays—Bell, Ford, Gaines, Hertzberg, Hillebrandt, Rawson—6.

Senator Pettit moved that the Senate stand adjourned to 10 o'clock to-morrow.

Yeas and nays called for and lost by the following vote :

Yeas—Mr. President, Bowers, Braughton, Gaines, Latimer, Pettit, Pickett, Pridgen, Pyle, Saylor, Tendick—11.

Nays—Bell, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Ford, Fountain, Hertzberg, Hillebrandt, Mills, Parsons, Rawson, Ruby, Shannon—16.

On motion of Senator Cole, the rules were suspended to take from file Senate bill 110, "An act to incorporate the Rusk and Harrison County Railway Company." Read second time.

Senator Pyle moved to adjourn to 10 o'clock, A. M., to-morrow. Motion to adjourn lost.

[Senator Bell in the chair.]

Senator Douglass moved to amend, in section two, strike out the words "in Harrison county, Texas, or" in line six and seven.

Amendment adopted.

[President Campbell in the chair.]

Senate bill No. 110 ordered engrossed and passed to a third reading as amended.

On motion of Senator Douglass, the rules were further suspended, and Senate bill No. 110 read the third time and passed.

On motion of Senator Dillard, the rules were suspended to take from file Senate bill No. 111, "An act granting to John M. Beard the privilege of constructing and keeping a toll bridge across the Neches river, at the place known as Beard's Bridge, on said river." Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Pettit, the rules were further suspended, and Senate bill No. 111 read a third time and passed.

On motion of Senator Ruby, the Senate adjourned to 10 o'clock A. M., to-morrow.